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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,025	08/21/2003	George T. Chaney	T-0101.03 (DIV)	7324

7590

06/07/2004

LAW OFFICES OF CHRISTOPHER L. MAKAY  
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115 East Travis Street  
San Antonio, TX 78205

EXAMINER
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AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
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3618

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/645,025

Applicant(s)

CHANEY, GEORGE T.

Examiner

Bridget Avery

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 25-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. The preliminary amendment filed by applicant on April 26, 2004 is acknowledged and has been entered.
2. An action on the merits of claims 25-29 follows.

### *Claim Objections*

3. Claim 25 is objected to because of the following informalities: on line 2, "step" should be changed to --steps--. Appropriate correction is required.
4. Claim 28 is objected to because of the following informalities: the limitations fail to further limit the method steps of the claim (27) of which it depends. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 26 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Chase, Jr. (US Patent 5,760,569).

Chase, Jr. teaches a method (see column 4, lines 59-60) of replacing a battery module (32, 34) of an electric powered vehicle (12) including the steps of providing a service facility (44) for electric powered vehicles; providing the service facility (44) with a plurality of battery modules (32, 34) and a system for charging and recharging (claim 26) the battery modules (32, 34), as described in column 3, lines 57-61 and column 4, lines 19-28; opening the service facility to drivers owning the electric powered vehicles (12), where a driver having an electric powered vehicle (12) with a depleted battery module (32, 34) enters the service facility (44), as clearly shown in Figure 1; removing the depleted battery module (32, 34) from the electric powered vehicle (12), as described in column 3, lines 61-66; inserting a fully charged battery module (32, 34) into the electric powered vehicle (12), as described in column 4, lines 7-17; and charging the driver for the fully charged battery module (32, 34), as described in column 4, lines 28-31.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 25, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chase, Jr. ('569) in view of Guimarin et al (US Patent 5,612,606).

Chase, Jr. teaches the features described above. Also, the electric powered vehicle of Chase, Jr. includes a battery module compartment (22), and a battery module (32, 34) insertable into the battery module compartment (22) of the chassis. In the step of removing the depleted battery module (32, 34) from the electric powered vehicle (12), Chase, Jr. further teaches the steps of: opening an access door (26) attached to the vehicle to expose the battery module compartment (22); and sliding the depleted battery module (32, 34) from within the battery module compartment (22), as shown in Figure 2 and as described in column 3, lines 61-66. In the step of inserting a fully charged battery module (32, 34) into the electric powered vehicle (12), Chase, Jr. teaches the steps of: sliding the battery module (32, 34) including a fully charged battery (34) into the battery module compartment (22); and closing the access door (26) attached to the vehicle (12) to seal the battery module compartment (22), as described in column 3, lines 11-15 and column 4, lines 1-17.

Chase, Jr. lacks the teaching of a chassis defining the battery module compartment.

Guimarin et al. teaches a vehicle including a chassis defining a battery module compartment.

Based on the teachings of Guimarin et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made to modify the vehicle of Chase, Jr. to include a chassis with the battery module compartment defined by the chassis, instead of at the rear/trunk of the vehicle, to make the compartment accessible

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from underneath to leave space for storage of items such as a spare tire, a travel emergency/first aid kit, luggage, etc.

**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

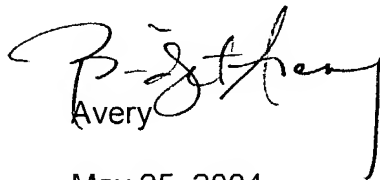
Hammerslag shows a battery charging and transfer system for electrically powered vehicles.

Hammerslag shows a battery charging and transfer systems.


Nixon shows an electric vehicle having multiple replacement batteries.

Parker shows an electric automobile.

8. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 703-308-2086.

  
Avery

May 25, 2004

  
BRIAN L. JOHNSON  
SUPERVISOR PATENT EXAMINER  
TECHNOLOGY CENTER 3600  
5/27/04